IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 29607 of 2006(Y)

PETITIONER:

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1. THE KADAPLAMATTAM SERVICE CO-OPERATIVE BANK LTD. NO.2633, REPRESENTED BY ITS SECRETARY, KADAPLAMATTAM.

2. P.M.THOMAS, PRESIDENT, KADAPLAMATTAM SERVICE CO-OPERATIVE BANK LTD., KADAPLAMATTAM.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOTTAYAM.

ADDL. R2.

2. K.M.OUSEPH, S/O MATHAI, KALLOLIL, KADAPLAMATTOM P.O. MEENACHIL TALUK, ELAKKAD VILLAGE. (Impleaded vide order dated 22.11.2006 in I.A.No.16125/2006)

BY ADV. SRI.T.A.SHAJI FOR ADDL.R2
SMT.T.V.NEEMA
GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE ADVERTISEMENT THAT PUBLISHED IN NEWSPAPER DATED 4.10.2006

EXT.P2- TRUE COPY OF THE HALL TICKET DATED 26.10.2006 ISSUED TO THE CANDIDATES.

EXT.P3- TRUE COPY OF THE ORDER NO.CRP(1) 5719/2006 DATED 28.10.2006 OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXT.P4- TRUE COPY OF THE NOTICE DATED 30.10.2006 ISSUED BY THE 1ST PETITIONER.

EXT.P5- TRUE COPY OF THE REPRESENTATION DATED 1.11.2006 SUBMITTED BY THE 2ND PETITIONER.

EXT.P6- TRUE COPY OF THE REPORT DATED 16.10.2006 OF ASST.REGISTRAR, MEENACHIL.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 29607/2006

Dated this the 19th day of December, 2006

JUDGMENT

The prayer of the writ petitioners is that Ext.P3 direction dated 28.10.2006, informing the first writ petitioner, bank, not to continue with the appointments of the attender, till the enquiries on the allegations of irregular appointments and disbursements of loans, initiated by the Joint Registrar is complete. Further allegation is that the appointments would enable the attenders to be promoted as Junior Clerks, and the appointment of Junior Clerks is through the examination conducted by the Co-operative Service Examination Board.

2. When the matter came up for admission, an interim stay of Ext.P3 was granted. The counsel for the writ petitioner submits that the Assistant Registrar had given a para vise remarks on the allegations made against the petitioner, bank, on 16.10.2006, as could be seen from Ext.P6. Relying on it, the counsel submits that the

intention of the bank to appoint an attender, is only to fill up one vacancy that was existing in the bank. Therefore, the complaint is baseless and the direction of the Joint Registrar to stop the appointment of the attender is also not sustainable.

3. The counsel for the additional second respondent submits that he is one of the members of the bank. I heard the arguments advanced by either side. Though the Assistant Registrar had made a para vise reply, yet there is an enquiry being initiated by the Joint Registrar. It was at that stage, that the stay of the said direction was granted.

4. The counsel for the writ petitioner submits that the bank had proceeded with the conducting of the written test and it is scheduled to be held on 23.12.2006. As the arrangements had already been made, the counsel, therefore, prays that the same may not be further stayed.

5. In the above facts situation, I vacate the interim stay granted on Ext.P3 direction of the Joint

Registrar dated 28.10.2006. I direct the Joint Registrar, the first respondent, to complete the enquiry that had been initiated on various complaints received by him, including the appointment of the attender in the first writ petitioner, bank. This shall be done within thirty days from today.

6. The written test of the attenders shall be held on 23.12.2006 as scheduled. But the declaration of result and consequential appointments, if any, shall only be subject to the decision taken on the enquiry that would be conducted by the Joint Registrar, the first respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs